

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of:)	
)	
Review of the Emergency Alert System)	EB Docket No. 04-296
)	
)	
To: Office of the Secretary)	
Attn: The Commission)	

COMMENTS OF EDUCATIONAL MEDIA FOUNDATION

Educational Media Foundation (“EMF”), by its attorneys hereby submits ex parte comments in response to the *Second Further Notice of Proposed Rulemaking* in the above-captioned proceeding.¹ While EMF agrees with the Commission’s mission of making the Emergency Alert System more responsive to national emergencies, it does not believe that all of the proposed revisions in the rules will lead to that end, and some may in fact impose significant, unnecessary burdens on broadcasters. For instance, while EMF understands the need for nationwide testing of the EAS system, it does not support the Commission’s proposed reporting requirements for that testing. Instead of having the thousands of broadcasters across the country deluge the FCC with reports of the success of those tests—supplying information that the Commission’s staff most likely does not have the resources to review—the Commission should limit the scope of the reporting requirement to a small “sampling” of stations, and it should provide for electronic filing of data.

EMF does not support the formal reporting requirements for the national EAS testing, as it believes the current logging requirements are sufficient. Rather than requiring all stations to

¹ In the Matter of Review of the Emergency Alert System, *Second Further Notice of Proposed Rulemaking*, EB Docket No. 04-296 (rel. Jan. 14, 2010) (“*Further Notice*”).

collect and submit post-testing data, the Commission should limit reporting to a small sampling of stations. Random audits can be conducted by the Commission to ensure that compliance is being maintained. The Commission can even do regional audits to ensure that the system is working in particular areas, or to locate breakdowns that may occur in the relay of that signal across the country. The Commission's regional field offices could also monitor stations during the national test. This approach would offer the Commission a clearer picture of the EAS system that could be reviewed consistent with its resources, without creating a costly new reporting regime for all stations.

Any formal reporting requirements should provide for electronic filing of data and automate the overall process to the extent possible. To make the process as easy as possible for the broadcaster, EMF suggests giving stations flexible options for how they may file data, including the option to attach PDF copies of data or to submit files generated by the EAS equipment.

EMF agrees with the proposal offered by the Primary Entry Point Advisory Committee that the Commission should conduct two initial nationwide tests before stations are required to submit any test-related information.² As such tests have not been conducted before, getting experience to "work the bugs out of the system" seems like a good idea. As it relates to the requirement that operators submit the 'date/time of receipt of the EAN by all stations being monitored', EMF concurs with the assessment made by the National Association of Broadcasters ("NAB"). Multiple simultaneous Emergency Action Notification messages are rejected by the EAS decoder and therefore would be impossible to report.³

² Comments of Primary Entry Point Advisory Committee, EB Docket No. 04-296, filed Mar. 16, 2010, at 2.

³ Comments of Nat'l Ass'n of Broadcasters, EB Docket No. 04-296, filed Mar. 18, 2010, at 5.

The NAB also commented on how the Commission should handle the distribution of multilingual EAS messages.⁴ EMF believes that stations which offer programming in a language other than English should generate EAS activations in the primary language of its programming. However, if a station offers programming in English only, the Commission should allow the station to limit its EAS activations to English only. Likewise, fleeting foreign language words or phrase, or songs in a predominantly English song or program should not trigger multilingual requirements.

Additionally, EMF agrees with the NAB's recommendation to restrict authority to issue EAS alerts to governors and their designees only.⁵ EMF concurs that the Commission should expand EAS training for governors and their designees,⁶ and believes the Commission should also institute technical standards for EAS alerts produced by governors and their designees, to improve the technical quality of the EAS messages. In the past, many messages generated by government offices have been garbled or inaudible.

Lastly, EMF would like to draw the Commission's attention to a couple of variables that could create some confusion when evaluating EAS testing data reported by various stations. EAS equipment contain clocks which can be prone to drifting, even after reasonable efforts by the operators to ensure their accuracy. The Commission must also account for that factor in its evaluation. Also, some states, including Arizona, Connecticut, and Hawaii, do not participate in daylight savings time. And some operators choose not to adjust their clocks for daylight savings time, so they will appear to be an hour out of sync. This reality adds another variable for testing done during daylight savings hours.

⁴ Comments of Nat'l Ass'n of Broadcasters, EB Docket No. 04-296, filed May 17, 2010, at 8.

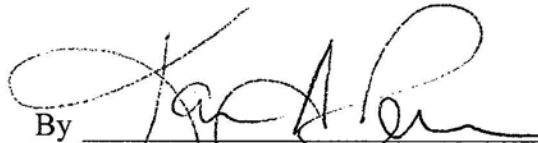
⁵ *Id.* at 9-11.

⁶ *See id.*

EMF is sympathetic to the Commission's concerns about the efficiencies of EAS and effectiveness of EAS testing, but respectfully requests that these comments be considered prior to adding yet another reporting requirement that could become more burdensome than beneficial.

Respectfully submitted,

EDUCATIONAL MEDIA FOUNDATION

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